

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES A. WILSON, et al.,)
)
Plaintiffs,)
)
v.) 05-399-JJF-Civil Action No.
)
STANLEY TAYLOR, et al.,)
)
Defendant(s).)

ORDER

At Wilmington this 12 day of December, 2005, Plaintiffs having satisfied the filing prerequisites of 28 U.S.C. § 1915A; and the Court having identified cognizable claims within the meaning of 28 U.S.C. § 1915A(b) against Defendants Commissioner Stanley Taylor, Warden Rick Kearney, Lt. Hollis, Sgt. Mears, Lt. Hennessy, Deputy Warden Mike DeLoy, and Cpl. J. Stozanbach;

IT IS ORDERED that:

1. The Clerk of the Court shall cause a copy of this order to be mailed to the Plaintiffs.
2. Pursuant to Fed. R. Civ. P. 4(c)(2) and (d)(2), Plaintiffs shall complete and return to the Clerk of the Court an original "U.S. Marshal-285" form for each defendant: **Commissioner Stanley Taylor, Warden Rick Kearney, Lt. Hollis, Sgt. Mears, Lt. Hennessy, Deputy Warden Mike DeLoy, and Cpl. J. Stozanbach**, as well as for the Attorney General of the State of Delaware, 820 N. FRENCH STREET, WILMINGTON, DELAWARE, 19801, pursuant to DEL. CODE

ANN. tit. 10 § 3103(c). Additionally, Plaintiffs shall provide the Court with one copy of the complaint for service upon each defendant: Commissioner Stanley Taylor, Warden Rick Kearney, Lt. Hollis, Sgt. Mears, Lt. Hennessy, Deputy Warden Mike DeLoy, and Cpl. J. Stozenbach. Plaintiffs are notified that the United States Marshal will not serve the complaint until all "U.S. Marshal 285" forms have been received by the Clerk of the Court. Failure to provide the "U.S. Marshal 285" forms for each defendant and the attorney general within 120 days from the date of this order may result in the complaint being dismissed or defendants being dismissed pursuant to Federal Rule of Civil Procedure 4(m).

3. Upon receipt of the form(s) required by paragraph 2 above, the United States Marshal shall forthwith serve a copy of the complaint, this order, a "Notice of Lawsuit" form, the filing fee order(s), and a "Return of Waiver" form upon each of the defendants so identified in each 285 form.

4. Within **thirty (30) days** from the date that the "Notice of Lawsuit" and "Return of Waiver" forms are sent, if an executed "Waiver of Service of Summons" form has not been received from a defendant, the United States Marshal shall personally serve said defendant(s) pursuant to Fed. R. Civ. P. 4(c)(2) and said defendant(s) shall be required to bear the cost related to such

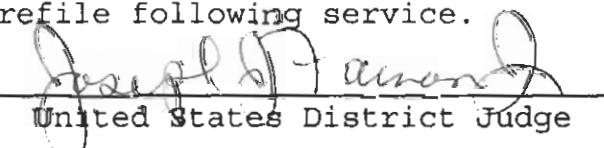
service, unless good cause is shown for failure to sign and return the waiver.

5. Pursuant to Fed. R. Civ. P. 4(d)(3), a defendant who, before being served with process timely returns a waiver as requested, is required to answer or otherwise respond to the complaint within **sixty (60) days** from the date upon which the complaint, this order, the "Notice of Lawsuit" form, and the "Return of Waiver" form are sent. If a defendant responds by way of a motion, said motion shall be accompanied by a brief or a memorandum of points and authorities and any supporting affidavits.

6. No communication, including pleadings, briefs, statement of position, etc., will be considered by the Court in this civil action unless the documents reflect proof of service upon the parties or their counsel. The clerk is instructed not to accept any such document unless accompanied by proof of service.

7. The filing of an amended complaint prior to service will result in the **revocation** of this Service Order. An amended complaint filed prior to service will be subject to re-screening pursuant to 28 U.S.C. § 1915A.

8. Discovery motions and motions for appointment of counsel filed prior to service will be dismissed without prejudice, with leave to refile following service.



United States District Judge